

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	10-CR-180-EFS
)	
vs.)	
)	PRELIMINARY ORDER OF
CRAIG A. DICKSON,)	FORFEITURE
)	
Defendant.)	

Before the Court, without oral argument, is the United States Attorney's Office's (USAO) Motion for Preliminary Order of Forfeiture (ECF No. [22](#)) and related Motion to Expedite (ECF No. [23](#)). Whereas, Defendant has stipulated, pursuant to the Plea Agreement previously filed herein, to the Criminal Forfeiture of assets involved in and connected to unlawful activity, specifically Defendant's guilty plea and conviction of one or more offenses committed in violation of Title 18 U.S.C. § 371 and Title 31 U.S.C. § 5324, *see Amended Information, Ct. Rec. 6, and Plea Agreement, Ct. Rec. 10*;

Whereas, based on Defendant's conviction and the foregoing statutes, the Defendant shall forfeit to the United States of

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1 America all property, real or personal, involved in the convicted
2 offenses, and any property traceable to such property;

3 Whereas, the United States is also entitled to forfeiture of
4 substitute property pursuant to 21 U.S.C. § 853, as incorporated by
5 31 U.S.C. § 5317(c) and/or by 28 U.S.C. § 2461(c);

6 Whereas, subject to the limitations set forth in Paragraph 10
7 of the parties' Plea Agreement, the Defendant and United States
8 agree that the property to be forfeited under this agreement
9 includes those assets that have been seized, have been stipulated
10 to be forfeited, and/or have been identified as substitute property
11 to be forfeited. *See Paragraph 10, Ct. Rec. #10.*

12 **THEREFORE AND BASED UPON** the Defendant's plea of guilty and
13 upon the stipulations, admissions and other terms in the parties'
14 Plea Agreement previously filed herein, and upon the Defendant's
15 plea colloquy and the Court's finding that there is a reasonable
16 and substantial nexus between the property identified below and the
17 offense(s) to which the Defendant has pled guilty, **IT IS HEREBY**
18 **ORDERED:** Motion for Preliminary Order of Forfeiture (**ECF No. [22](#)**)
19 and related Motion to Expedite (**ECF No. [23](#)**) are **GRANTED**.

20 The following property is forfeited to the United States
21 pursuant to 31 U.S.C. § 5317 and/or 28 U.S.C. §2461(c):

22 **I. DIRECT PROPERTY FORFEITURE**

23 **REAL PROPERTY**

24 1) Real property located at 587 Ravenwood Drive, Darby,
25 Montana legally described as follows:

26 Lot 19 of Tin Cup Creek situated in Ravalli County,
27 Montana, according to the official recorded plat
thereof.

1 TOGETHER WITH a 60-foot private road and public utility
2 easement as shown on the plat.

3 Tax Parcel No. 1119896

4 Together with all appurtenances, fixtures, attachments,
5 and improvements thereto and thereupon.

6 SUBJECT to any easements, rights of way, reservations,
7 and/exceptions, and actions of record.

8 2) Vacant land in Spokane County, Washington, Parcel No.
9 26102.9028, legally described as follows:

10 The North 436.85 feet of the Southeast quarter of the
11 Northwest quarter of Section 10, Township 26 North, Range
12 42 East, W.M.;

13 EXCEPT the East 330.10 feet thereof;

14 In Spokane County, Washington.

15 Parcel No. 26102.9028

16 SUBJECT TO: All covenants, conditions, restrictions and
17 easements, if any, affecting title, which may appear in
18 the public record, including those shown on any recorded
19 plat or survey.

20 **CONVEYANCES**

21 3) 2006 Chevrolet Silverado C1500 Truck Washington
22 License Number: A27823Z, VIN: 1GCEK19B56Z167467, seized
23 pursuant to a federal seizure warrant on or about August
24 31, 2010, by the Federal Bureau of Investigation;

25 4) 2006 Lexus GS430, Washington License Number: 808 UTQ,
26 VIN: JTHBN96S965006882, seized pursuant to a federal
27 seizure warrant on or about August 31, 2010, by the
28 Federal Bureau of Investigation;

5) 2007 Chevrolet Corvette, Washington License Number:
458 WQY, VIN: 1G1YY26EX75127774, seized pursuant to a
federal seizure warrant on or about August 31, 2010, by
the Federal Bureau of Investigation;

6) 2007 Chevrolet Silverado Truck, Washington License
Number: B70994E, VIN: 1GCEK19097Z628783, seized pursuant
to a federal seizure warrant on or about August 31, 2010,
by the Federal Bureau of Investigation; ;

7) 2005 Toyota MR2 Spyder Convertible, Washington License
Number: 524 TYF, VIN: JTDFR320350071134, seized pursuant

1 to a federal seizure warrant on or about August 31, 2010,
2 by the Federal Bureau of Investigation;

3 Pursuant to Defendant's plea agreement, the United States is
4 no longer seeking forfeiture of the entire amount of the
5 \$119,840.00 in U.S. funds from retirement account #XXX-XX2400, held
6 in the name of Craig Dickson, seized pursuant to a federal seizure
7 warrant on or about August 30, 2010, by the Federal Bureau of
8 Investigation, from TD Ameritrade, in Omaha, Nebraska. The United
9 States and Defendant have agreed that \$50,000.00 of the
10 above-listed amount will be returned to Defendant. The parties
11 have further agreed, via Plea Agreement that \$69,519.37 from the
12 above listed account, and such other or further amounts agreed upon
13 by the parties and/or determined by the Court, will be deposited
14 with the Clerk of the Court to satisfy the amount of Defendant's
15 restitution obligation imposed by the Court. *See Plea Agreement,*
16 *¶ 11; PSIR, ¶¶ 25-30; Addendum to PSIR, Objection No. 6 and*
17 *Response resolution; see also 18 U.S.C. § 3663(b).* The further
18 amounts of restitution imposed by the Court will be taken from
19 other cash forfeiture(s) designated by the Court or by the United
20 States.

21 Therefore, pursuant to the Plea Agreement the following will
22 be forfeited to the United States from the TD Ameritrade account:

23 8) \$320.63 of the \$119,840.00 U.S. funds from retirement
24 account #XXX-XX2400, held in the name of Craig Dickson,
25 seized pursuant to a federal seizure warrant on or about
26 August 30, 2010, by the Federal Bureau of Investigation,
27 from TD Ameritrade, in Omaha, Nebraska.

28 **II. MONEY JUDGMENT**

9) A sum of money equal to \$1,306,455.69 in United
States currency, representing the amount involved in the

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1 offense(s) and property traceable thereto, joint and
2 several liability with Co-Conspirator, TYSON SCHOTT.

3 The United States may take steps to collect the judgment from
4 any property of the Defendant as specified in the Defendant's plea
5 agreement and in accordance with the substitute asset provisions of
6 21 U.S.C. § 853(p), as incorporated by 31 U.S.C. § 5317, which
7 includes forfeiture of the following assets:

8 **III. SUBSTITUTE ASSETS**

9 **FINANCIAL INSTRUMENTS**

10 10) \$448,470.47 in Miscellaneous Financial Instruments,
11 seized pursuant to a federal search warrant on or about
12 August 31, 2010, by the Federal Bureau of Investigation,
13 from Craig Dickson, in Spokane, Washington.

14 **BANK ACCOUNTS**

15 11) \$106,004.58 U.S. funds from checking/savings account
16 #: XXX9107, held in the name of Dickson Iron and Metals,
17 Inc., seized pursuant to a federal seizure warrant on or
18 about August 30, 2010, by the Federal Bureau of
19 Investigation, from Bank of America, in Spokane,
20 Washington;

21 12) \$40,370.64 U.S. funds from checking/savings account
22 #: XXXX9107, held in the name of Dickson Iron and Metals,
23 Inc., seized pursuant to a federal seizure warrant on or
24 about August 31, 2010, by the Federal Bureau of
25 Investigation, from Bank of America, in Spokane,
26 Washington;

27 Pursuant to the parties' Plea Agreement and revised PSIR (with
28 Addendum), the current agreed restitution to be set by the Court is
\$76,883.95. Of this current agreed restitution, \$69,519.37 has
been designated to be satisfied out of Defendant's TD Ameritrade
retirement account, #XXX-XX2400, which amount will be deposited
with the Clerk of the Court. The remaining \$7,364.58 owed on the
current agreed restitution amount of \$76.883.95 (i.e., \$76,883.95 -
69,519.37 = \$7,364.58) will be satisfied out of funds seized from
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one of the two above referenced bank accounts of Dickson Iron and Metals, Inc. This remaining \$7,364.58 and such other or further amounts as agreed upon by the parties and/or as determined by the Court, will be deposited with the Clerk of the Court to satisfy Defendant's final restitution obligation imposed by the Court. See *Plea Agreement*, ¶11; and 18 U.S.C. § 3663.

U.S. CURRENCY

13) \$21,964.00 U.S. Currency, seized pursuant to a federal search warrant on or about August 31, 2010, by the Federal Bureau of Investigation, from Craig Dickson, in Spokane, Washington;

14) \$281,000.00 U.S. Currency, seized pursuant to a federal search warrant on or about August 31, 2010, by the Federal Bureau of Investigation, from Tyson Schott, in Spokane, Washington;

15) \$4,494.00 U.S. Currency, seized on or about August 31, 2010, by the Federal Bureau of Investigation, from Tyson Schott, at Dickson Iron & Metals, in Spokane, Washington;

16) \$2,747.00 U.S. Currency, seized pursuant to a federal search warrant on or about August 31, 2010, by the Federal Bureau of Investigation, from Craig Dickson, from Dickson Iron & Metal in Spokane, Washington;

CONVEYANCES

17) 1970 Pontiac GTO, Washington License Number: CV76701, VIN: 242370B111616, seized pursuant to a federal search warrant on or about August 31, 2010, by the Federal Bureau of Investigation;

18) 1967 Pontiac Firebird, Washington License Number: CV76699, VIN: 223677U110886, seized pursuant to a federal search warrant on or about August 31, 2010, by the Federal Bureau of Investigation;

19) 1974 Alfa Romeo SPI Convertible, Washington License Number: CV76698, VIN: AR3044387, seized pursuant to a federal search warrant on or about August 31, 2010, by the Federal Bureau of Investigation;

20) 1963 Porsche 356 Coupe, Washington License Number: CV76700, VIN: 212342, seized pursuant to a federal search

1 warrant on or about August 31, 2010, by the Federal
2 Bureau of Investigation;

3 21) 2008 BMW 358, Washington License Number: 905 XTG,
4 VIN: WBAWC335X8PD09102, seized pursuant to a federal
seizure warrant on or about September 3, 2010, by the
Federal Bureau of Investigation;

5 To the extent it may be alleged or claimed that Defendant has an in
6 interest in the following property, which Defendant denies,
7 Defendant's alleged interest in the following asset is likewise
8 forfeited pursuant to this order:

9 22) 2009 23' Cobalt Boat, Model 232, HIN: FGE3W014A909,
10 Idaho License Number: ID5746AR and 2009 Metal Craft 24'
11 Boat Trailer, VIN: 1FWEE024249A036732, Washington License
12 Number: 7288V7, seized in Coeur d'Alene, Idaho, pursuant
to a federal seizure warrant on or about August 31, 2010,
by the Federal Bureau of Investigation;

13 **IT IS FURTHER ORDERED** that the United States Marshals Service
14 shall seize the above-described properties and shall maintain such
15 seized properties in its custody and control until further order of
16 this Court;

17 **IT IS FURTHER ORDERED** that pursuant to 21 U.S.C. § 853(n), as
18 incorporated by 31 U.S.C. § 5317, the United States shall publish
19 notice of the preliminary order of forfeiture. The notice shall be
20 posted on an official website of the United States Government for
21 at least thirty days and shall state that any person, other than
22 Defendant, claiming a legal interest in the property shall file a
23 petition with this Court within sixty days of the first date of
24 publication, or within thirty-five days of receipt of actual
25 notice, whichever is earlier. The notice shall advise interested
26 persons that the petition shall (1) be for a hearing to adjudicate
27 the validity of the petitioner's claimed interest in the property;

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(2) be signed by the petitioner under penalty; (3) set forth the nature and extent of the petitioner's claimed right, title, or interest in the property. The petition shall also set forth any additional facts supporting the petitioner's claim. The United States shall also provide direct written notice of this preliminary order of forfeiture to any person known to have alleged an interest in the property subject to forfeiture.

The Court finds that Defendant had an interest in the forfeited properties, based upon Defendant's plea of guilty and the information in the Plea Agreement. Therefore, this preliminary order of forfeiture shall become final as to Defendant at the time of the Court's sentencing, and shall be made part of the sentence and included in the judgment, all pursuant to Fed. R. Crim. P. 32.2(b)(4).

Following the Court's disposition of all timely petitions filed, a final order of forfeiture shall be entered. If no third party files a timely petition, this order shall become the final order and judgment of forfeiture, as provided by Fed. R. Crim. P. 32.2(c)(2), and the United States shall have clear title to the property, and shall dispose of the property according to law. The Court shall retain jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Fed. R. Crim. P. 32.2(e).

DATED this 18th day of March 2011.

s/Edward F. Shea
EDWARD F. SHEA
United States District Judge